

REMARKS

Claims 6-9 are presently pending in the application.

The Examiner has objected to the title as being non-descriptive and has required a new title clearly indicating the invention claimed. Accordingly, a new title section has been added to more specifically point out the type of surgical instrument described and claimed in the present application. In addition, paragraph 0021 of the specification has been amended to correct a minor omission. It is submitted that these amendments are supported by the remainder of the specification, and entry is respectfully requested.

The Examiner has objected to claim 1 on the ground that the claim needs to be punctuated more clearly, so that the claimed subject matter is more understandable, particularly in lines 6-8 of claim 1. In view of the cancellation of claim 1, this objection is moot, and it is believed that the punctuation and rephrasing of the claim language in new independent claims 6 and 8 obviates the objection. Accordingly, reconsideration and withdrawal of the objections to the specification and claims are respectfully requested.

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite with respect to the terms “geared down” and “geared up.” The Examiner requests that the claim language be added to or adjusted to clarify the meaning of these claims. The Examiner notes that gears and levers are markedly different structures. Applicant notes that the Examiner’s understanding of these terms as set forth in the full paragraph at the middle of page 4 of the Office Action is essentially correct.

In view of the cancellation of claim 1, this rejection is now moot. Moreover, in new independent claims 6 and 8, Applicant has clarified this language by stating that the lever system acts as a path reducing gear with respect to the adjustment path of the second grip part and acts as a force increasing gear with respect to the transmission of force from the second grip part to the actuation element. It is believed that this language is definite and is supported in the specification, particularly in paragraphs 0021 – 0023, and in the drawings, particularly by comparing Figs. 1 and 2. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Application No. 10/039,506
Reply to Office Action of December 19, 2003

The Examiner has rejected claims 1 and 3 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,162,207 of Ouchi. In addition, the Examiner has rejected claims 1 and 5 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,221,083 to Mayer. The Examiner has indicated that claims 2 and 4 would be allowable if rewritten in independent form.

While not necessarily agreeing with the Examiner's rejections and the arguments in support thereof, claim 2 has been rewritten in independent form as new claim 6, including the features of both claims 1 and 2, and claim 4 has been rewritten as new independent claim 8, incorporating the features of original claims 1, 3 and 4. In addition, claim 5 has been rewritten as new claims 7 and 9, depending from claims 6 and 8, respectively. In rewriting the claims, Applicant has taken into consideration the Examiner's objections and rejection under 35 U.S.C. § 112, as discussed above. No new matter has been added in the rewriting of these claims, but the claims have been rephrased for clarity in view of the Examiner's comments.

In view of the above amendments and remarks, it is submitted that the specification and claims fully comply with the requirements of 35 U.S.C. § 112, as well as patentably distinguishing over the prior art of record. Accordingly, reconsideration and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,

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(Date)

By:



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Enclosure – Petition for Extension of Time